

REMARKS

This is in response to the Final Office Action mailed on July 28, 2004, and the references cited therewith.

Claims 1, 7, and 16 are amended; as a result, claims 1-20 are now pending in this application.

The amendments are made for purposes of placing the claims in condition for allowance. Applicants do not believe that the amendments necessitate a new search by the Examiner. Accordingly, Applicants respectfully assert that the amendments are proper and should be entered.

Applicants note that a Change of Correspondence Address, a Revocation of the Previous Power of Attorney, and a new Power of Attorney were filed with this Application by the Applicants on September 24, 2002. Apparently, the Office did not properly receive this; therefore, a true and accurate copy of what was filed is attached herewith and the Applicants respectfully request that Examiner acknowledge and enter this information for the present application.

Furthermore, Applicants appreciate the conference that the Examiner gave to Applicants on October 27, 2004. During that conference, Applicants learned that the Final Office Action had been mailed on July 28, 2004; although Applicants have no record of receiving that action. A copy of the present action was provided by the Examiner to the Applicants, and the Applicants provided a true and accurate copy of the Change of Correspondence Address, the Revocation of Power of Attorney, and the new Power of Attorney to the Examiner, which the Applicants had filed on September 24, 2004.

Applicants have relied on the Examiner's assertions that the Final Office Action was mailed on July 28, 2004. There was no actual mail date supplied in the copy of Final Office Action supplied by the Examiner. Thus, if the actual mail date was before July 28, 2004; this communication is intended to also serve as a petition for an extension of the appropriate amount of time, and the Examiner is hereby authorized to debit the below listed deposit account for purposes of taking the proper extension fee.

§102 Rejection of the Claims

Claims 1-2, 4, 6-9, 12, 14-18 and 20 were rejected under 35 USC § 102(e) as being anticipated by Tumblin et al. (U.S. 6,490,679). To sustain an anticipation rejection each and every step or element in the rejected claims must be taught or suggested in the cited reference.

The Examiner has asserted that the series of APIs taught in Tumblin may be broadly and logically interpreted to suggest the equivalent of a protocol stack. Specifically, the Examiner has asserted that a protocol stack is a set of independent layers that work together to define a protocol. With this definition, the Examiner has analogized the APIs of Tumblin to a protocol stack by asserting that the Tumblin APIs cooperate and communicate with one another for purposes of providing a single secure communication protocol.

Applicants have amended independent claims 1, 7, and 16. The amendments now restrict how the phrase “protocol stack” may be interpreted by the Examiner by positively reciting a specific type of protocol stack, namely a “transport protocol stack.” Thus, application data is received at an upper connection layer of a “transport protocol stack;” a security layer encrypts the application data, and the encrypted data is passed from the security layer to a connection layer of “the transport protocol stack.”

In Applicants’ amended claims the communication remains within the “transport protocol stack.” This is not the case and not the teaching in Tumblin, where the transport protocol stack is separate and distinct from the Tumblin APIs. This is a significant difference because in Tumblin an application requires an interface to the Tumblin APIs. Furthermore, the Tumblin APIs require an additional interface to the transport protocol stack being used by the application. This is two levels of integration which would be needed to implement the teachings of Tumblin.

Conversely, Applicants’ amended claims require no specific application interface, because the communications are integrated into the transport protocol stack of communication protocols. Thus, to integrate Applicants’ invention, protocol stack interfaces are modified for a single level of integration and there is no requirement that applications also be modified, which would be required with the Tumblin APIs that require two-levels of integration. Tumblin has not alleviated the problem with applications being tied to security handshakes, encryption, and decryption; this is so, because the applications utilizing Tumblin must still call and directly integrate with Tumblin’s APIs. This interaction and integration are removed with the teachings

of Applicants' invention because handshakes, encryption, and decryption are transparently handled within the transport protocol stack.

Therefore, Applicants assert that Tumblin does not teach and does not suggest each and every aspect of Applicants' independent claims. Accordingly, Applicants respectfully requests that the present rejections be withdrawn and that the claims be allowed.

§103 Rejection of the Claims

Claims 3 and 10 were rejected under 35 USC § 103(a) as being unpatentable over Tumblin et al. in view of SSL-Talk List FAQ Secure Sockets Layer Discussion List FAQ v1.1.1 ("SSL-Talk List FAQ"). Claims 3 and 10 are dependent from amended independent claims 1 and 7, respectively. Correspondingly, for the reasons stated above with respect to those independent claims, dependent claims 3 and 10 should be allowed.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tumblin et al in view of Samar US Patent No. 6,304,974. Claim 5 is dependent from amended independent claim 1. Thus, for the reasons stated above with respect to claim 1, dependent claim 5 should be allowed.

Claims 11 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Tumblin et al. in view of Novell NetWare Connection Enhanced NetWare 5 "What's Enhanced in NetWare 5." Claims 11 and 19 are dependent from amended independent claims 7 and 16, respectively. Correspondingly, for the reasons stated above with respect to those independent claims, dependent claims 11 and 19 should be allowed.

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over Tumblin et al. in view of Microsoft Security Advisor SSL Specific WSALocctl Controls ("MS SSL Advisor"). Claim 13 is dependent from amended independent claim 7. Thus, for the reasons stated above with respect to that independent claim, dependent claim 7 should be allowed.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

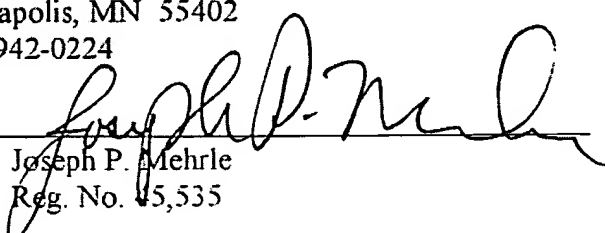
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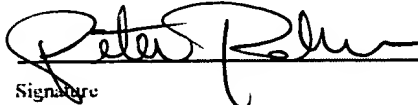
By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of October, 2004.

Peter Rebuffini

Name


Signature